

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARNOLD KUERBITZ,

Plaintiff,

v.

Case No. 24-cv-10774

Hon. Matthew F. Leitman

MICHAEL J. BOUCHARD, et al.,

Defendants.

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**ORDER (1) OVERRULING PLAINTIFF’S OBJECTIONS (ECF No. 41) TO  
MAGISTRATE JUDGE’S ORDERS (ECF Nos. 33, 35, 36) AND REPORT  
AND RECOMMENDATION (ECF No. 34); (2) GRANTING DEFENDANT  
McDONALD’S MOTION TO DISMISS (ECF No. 17), AND  
(3) TERMINATING PLAINTIFF’S MOTION FOR AN EXTENSION OF  
TIME (ECF No. 38) AS MOOT**

Plaintiff Arnold Kuerbitz filed this *pro se* civil-rights action against Defendants Michael Bouchard, the Oakland County Sheriff, and Karen McDonald, the Oakland County Prosecutor, on March 6, 2024. (*See* Compl., ECF No. 1.) The Court subsequently referred this matter for all pre-trial proceedings to the assigned Magistrate Judge. (*See* Order, ECF No. 13.)

On May 16, 2024, Defendant McDonald filed a motion to dismiss the claims Kuerbitz brought against her. (*See* Mot., ECF No. 17.) On September 24, 2024, the Magistrate Judge issued a report and recommendation in which he recommended that the Court grant the motion and dismiss McDonald as a Defendant based on prosecutorial immunity (the “R&R”). (*See* R&R, ECF No. 34.) The Magistrate

Judge has also issued several other orders in this case, including (1) an order denying Kuerbitz's motion to strike McDonald's motion to dismiss (ECF No. 33), (2) an order granting Defendant Bouchard's motion for a more definite statement (ECF No. 35), and (3) an order denying Kuerbitz's motion to compel discovery (ECF No. 36).

On October 11, 2024, Kuerbitz filed what he called a "Motion for Objection to U.S. Magistrate's Order(s) (Report and Recommendation)" (the "Objections").<sup>1</sup> (Objections, ECF Nos. 41, 41-1.) In the Objections, Kuerbitz appears to challenge the R&R and the Magistrate Judge's orders listed above. But the Objections are insufficient, and the Court **OVERRULES** them.

Kuerbitz's Objections are deficient as a matter of law because they do not identify any particular error in the R&R or any of the Magistrate Judge's orders. Instead, Kuerbitz largely presents the same arguments that he previously made to the Magistrate Judge, in many cases verbatim. (Compare Resp., ECF No. 26, PageID.167-168 with Objections, ECF No. 41-1, PageID.231-232.) As the Sixth Circuit has recognized, "a general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). *See also Fields v.*

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<sup>1</sup> Kuerbitz also filed a motion for an extension of time to file his Objections to the Magistrate Judge's orders and the R&R. (*See* Mot., ECF No. 38.) Because the Court has accepted Kuerbitz's October 11 Objections for filing, it will **TERMINATE AS MOOT** his motion for an extension of time.

*Lapeer 71-A District Court Clerk*, 2 F. App'x 481, 482 (6th Cir. 2001) (holding that plaintiff had “waived any challenge to the district court’s conclusions” because his objections to report and recommendation did not specifically address the Magistrate Judge’s reasoning); *Aldrich v. Bock*, 327 F.Supp.2d 743, 747 (E.D. Mich. 2004) (“An ‘objection’ that does nothing more than ... simply summarize[] what has been presented before, is not an ‘objection’ as that term is used in this context.”).<sup>2</sup> Simply put, because Kuerbitz’s objections do not address the Magistrate Judge’s reasoning or legal analysis, and instead mainly repeat the same arguments that he presented to the Magistrate Judge, his Objections must be overruled.

Accordingly, for the reasons explained above: (1) Kuerbitz’s Objections to the R&R and to the Magistrate Judge’s orders (ECF No. 41) are **OVERRULED**; (2) the recommended disposition of the R&R (ECF No. 34) is **ADOPTED**; and (3) Defendant McDonald’s motion to dismiss (ECF No. 17) is **GRANTED**. Kuerbitz’s claims against Defendant McDonald are therefore **DISMISSED**.

**IT IS SO ORDERED.**

Dated: October 30, 2024

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> See also *Diamond v. Riverbend Apts.*, 2023 WL 5385347, at \*2 (E.D. Mich. 2023) (concluding that objections submitted by *pro se* plaintiff were legally deficient because they did not identify a specific concern with a Magistrate Judge’s report and recommendation).

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 30, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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